G. R. S. 58]

Previous references.

15289-08(1-2)B

1913. 14.

(05)

File No. 155-13

Serial Nos. 1-2

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1—2

Part B for Feb 14

SUBJECT.

Reduction of the sentence of transportation for life passed on one Madi, convicted of the murder of her child

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From The Regr Chf Ct 2336 Dy 10/12/13.

Forwards the records in the above case & states that it is a fit case for the exercise of prerogative of mercy.

2. To The Regr Chf Ct 2202 Dy 4/2/14

Directs that the sentence of transportation be reduced to 2 yrs imprisonment.

GPB—5,000—22-10-10

10.10.14

1793

G.R.S. 11] 1913-14

GENERAL AND REVENUE SECRETARIAT.

(Courts)

NOTES.

File No. 153

FILE HEADING.

Reduction of the sentence of transportation for life passed on one Masi, convicted of the murder of her child

From

The Registrar, Chief Court

No. 2336/193 Dated 10.12.13 Received 12.12.13

Diary No.	Enclos.	Spare Copies.	Serial No.
J1793	Records		1

BRIEF ABSTRACT OF LETTER.

Forwards the records in the case for such action as the Govt may deem fit to take and state that the Judges of the Chief Court who heard the appeal agree with the Sessions Judge in that it is a fit case for the exercise of the prerogative of mercy.

NOTES AND ORDERS.

Subd The recommendation of the Sessions Judge is in conformity with G.O. no. J1237-47/C883-08-2 of the 3rd Nov 1908.

2 The facts of the case are stated in para 2 of the Sessions Judge's judgment.

KG-116 13/12/13 NR

NOTES—First Sheet.

GPB—85,000—15-6-12

[R. S. 12]

General and Revenue Secretariat.

05 File No. 155 of 1913-14

Serial No.

3 The facts of the case are that one Madi o resident of Marmagao, D. Marmagao taking three her four year old daughter into the River Zuvery with the deliberate intention of killing it. When feel into the River herself but was rescued from drowning. Charged for murder under S 302 I.P.C. She alleges that being ill treated at home & her husband & her mother-in-law she wanted to put an end to her existence and in order that her daughter - the child that was killed - should not be thrown on the mercy of the world she wanted to destroy it also & accordingly threw it into the river. In these circumstances whatever the motive the conviction is legally correct. Both the Sessions Judge who tried the case and the Chief Court - Rao Bahadur K.S. Krishnaswami C.J. & Vasudevacharya Iyengar J - on appeal while confirming the conviction & sentence are of opinion that the case is one fit for the exercise of mercy. The Chief C are of opinion that "a substantial reduction of sentence would not be inappropriate.".

16.XII.13

4 Was a reference made to Govt. regarding the case reported in

NOTE—Contn. sheet.

GPB—65,000—17-6-12.

General and Revenue Secretariat.

CS File No. 155 of 1913-14

Serial No.

14 Mysore Chief Courts page 128? Yes, but for reference

Draw
18/12

Subd.

5 A reference was made to Govt in the case referred to above and the sentence of transportation for life was commuted to one of rigorous imprisonment for five years.

6) The facts of the case are fully explained in the judgment reported on p. 128 of 14, Mysore Chief Court Reports.

Kg. - 116
18.12.13

19.XII.13.

7) The recommendation for a substantial reduction of the sentence is based on the circumstance that the accused was "goaded to this rash act by the ill-treatment received by her at the hands of her husband and her mother-in-law".

8) But has this circumstance been proved? It rests on the statement of the accused made to PW 9 & also repeated in Court; & there is no independent evidence to support it. The accused's husband (P.W. 9), on the contrary, disproves the plea of ill-treatment.

9) If ill-treatment is not proved, no motive for the offence is made out though there should have been very strong reason for the same as it is not alleged that the accused acted under insanity.

10) The statement of the accused, though uncorroborated

NOTE.—Contn. sheet.

R. S. 12]

General and Revenue Secretariat.

File No. of 191

Serial No.

√ replied by her husband, would have carried some weight out for the Sabschood She has deemed fit to State regarding the responsibility for the Killing of the child.

11) Added to this offence there is that of attempt to commit suicide.

12) on the ground however of her sex & the presumable existence of some exasperating influence on her, the accused appears to deserve some reduction of the legal sentence.

Dhruvarajan Nair 28/12

(1st Counsellor)

13) The case is a sad one, and a mother would not have committed the crime unless there were some strong external motive. It may be ill-treatment as stated by the mother, or it may have been some morbid sensibility that exaggerated an ordinary family disagreement with other members. Either way, it would be incorrect to exact the full penalty from her.

14) The sentence may be reduced to rigorous imprisonment for 5 years.

Hm

28/12/13

NOTE—Contn. sheet.

(To be circulated as a Council case.)

GPB—65,000—17-6-12.

5

(R. S. 12)

General and Revenue Secretariat.

C6 File No. 153 of 1913-14

Serial No.

2nd Councillor) I agree
Dewan
29/12

Home 31/1/14
Comp. Sayer
31/12

6907
3.1.14

Dewan)
Dewan
2/1

16 I agree. If the Councillors see no objection, I would recommend a reduction of the sentence to two years imprisonment- only the first year of which may be rigorous.

15.1.14. C6

1st & 2nd Councillors)
2
16/1
Dewan
16/1

I have no objection.
18/1/14

2
19/1 18 Hon'ble Member.

Duly Submitted 20/1 as raised may be put up
Dewan
22/1/14

Subd with Hdy note.
22/1/14 for

Hy.-116
22/1/13
(HS)
22/1/14

Dy Secy)
Sjor
22/1

NOTE—Contn. sheet.

GPB—65,000—17-8-12.

G. R. S. 12]

6

General and Revenue Secretariat.

File No. of 191 .

Serial No.	
7248 23.1.14.	A draft Submission vide Note is also put up. Drawn)

Duncan Aspland
23/1/14

NOTE.—Contn. sheet.

GPB—60,000—7-11-13

Submitted to His Highness.

1. These papers relate to a case in which one Madi was convicted of the murder of her daughter, a girl of about 4 years of age, and sentenced to transportation for life by the Sessions Judge of Mysore.

2. The accused stated that, being ill treated at home by her husband and her mother-in-law, she wanted to put an end to her existence and, in order that her daughter might not be thrown on the mercy of the world after her death, she first threw her daughter and then herself into the river. The child was drowned but she was rescued.

3. The Judges of the Chief Court, who heard the appeal, consider that there is clear and cogent evidence that it was the accused who threw the girl into the river previous to her attempt to drown herself and that therefore she has been rightly convicted of murder. Having regard to the motive which influenced the unfortunate woman to commit the act, the Chief Court consider that a substantial reduction of sentence is not inappropriate.

4. The First Councillor is of opinion that the case is a sad one and a mother would not have committed the crime unless there were some strong external motive and that it would therefore be inequitable to exact the full penalty from her.

5. The Second Councillor and myself agree with him.

6 As regards the reduction of the sentence,

both the Councillors have no objection to my suggestion that it may be reduced to two years' imprisonment, of which only the first year may be rigorous, the other being simple.

7. The proposed modification of the sentence may be graciously approved.

M. Vishvanaya -

24th Jan. 1914 -

9

Record of Cases submitted for the Orde
of His Highness the Maharaja

Subject.

29 Reduction of the sentence of transportation for life passed on one Madi, convicted of the murder of her daughter.

2090
24-1-14

Order.

~~KRW~~
27/1/14

3c Secretary
27-1-14 KC
B III
28/1 Draft
3 1 SM
28/1

P.T.O.

G. R. S. 12]

General and Revenue Secretariat.

File No. 155 of 1913-14

Serial No.

Subd with a draft G.O.

Reg.-116
30/1/1914 RGL

3. Dy Secy) Spd 31/1
Approved Date 31/1
3 L

2 6 Issue
Spd 31/1

To The Registrar, High Court, Madras.

NOTE—Contn. sheet.

GPB—60,000—7-11-13

No. 2336 Jud. Record
193

DIARY No. J. 1793

	13/3-10/14
SECTION	Courts
FILE No.	155-13
SERIAL No.	

BANGALORE.

Dated 10th December 1913.

10th

From

V. A. Rajaratna Mudaliar, Esq.,
Registrar of the Chief Court of Mysore.

To

K. R. Srinivasiengar, Esq., M. A.,
Secretary to the Government of Mysore,
General and Revenue Departments.

S i r ,

I am directed to forward the record of Criminal Appeal No: 26 of 1913-14 on the file of the Chief Court for such action as the Government may deem fit to take in the matter of reducing the sentence of transportation for life passed upon the accused Madi. The woman was convicted of murdering her child, aged four, by throwing it into the river before she herself jumped into the water with the intention of putting an end to her own life. She appears to have been goaded to this rash act by the ill-treatment received by her at the hands of her husband and her mother-in-law.

The Judges of the Chief Court who heard the appeal agree with the Sessions Judge of Mysore that it is a fit case for the exercise of the prerogative of mercy.

I have the honor to be,

S i r ,

Your most obedient servant,

V. Rajaratnam

REGISTRAR.

M.C.C.

12

Directing the reduction of the sentence passed on Madi

2

G.R.S. 28]

ab

Cs File No. 155 of 1913

Serial No. 2

*Diary No. of letter replied to*_____

Proceedings of the Government of His Highness the Maharaja of Mysore

GENERAL AND REVENUE SECRETARIAT.

( )

the 191 .

READ—

Letter no. 2396/193 dt the 10th Dec 1913 from the Registrar, Chief Court, forwarding the record of Cr Appeal No 26 of 1913-14 on the file of the Chief Court for such action as the Govt may deem fit to take in the matter of reducing the sentence of transportation for life passed upon the accused Madi, who was convicted of the murder of her daughter, aged

P.T. over.

Date of issue 4-2-1914

Signed by S.P. Raghavendrachar Regr

ORDER THEREON.—No.

SUBJECT.

~~[illegible]~~ by throwing the girl into the river prevent to her attempt to drown herself, and having that the Judge of the Chief Court who hear the appeal agree with the Sessions Judge of Mysore that it is a fit case for the exercise of the prerogative of mercy.

Order thereon - No. 2202/ch 155-13-L dy 4/2/14
Cmd: 2 Recds -

Having regard to the motive which influenced the accused to commit the act, the Chief Court consider that a substantial rederchin of sentence is not in- - appropriate. Govt agree with the Chief Court and direct that the sentence of transportation passed on the accused may be reduced to one of two years' imprisonment, of which only the first year with be rigorous and the other year imprisonment being simple.

COPD KSR 31/1/14

Govt.

GPB—20,000-2-1941

31/1

- For Secy to Govt.

To The Registrar, Chief Court,
returning the records.